

REMARKS

Claims 31-60 are pending. Claims 31-60 have been canceled, and new claims 61-89 have been added in this response. Claims 61-89 will be pending, therefore, upon entry of the above amendments.

The Office Action does not acknowledge that claim 60 is pending. Applicant respectfully notes that claim 60 was added in the second preliminary amendment filed on January 24, 2006. The new claims presented in this response, therefore, begin with claim 61.

Claims 31, 32, and 34-37 have been rejected in the office action under 35 U.S.C. § 103(a) as being obvious over Japanese patent document no. 2001-303395 (“the ‘395 patent document”) in view of U.S. Patent No. 4,340,091 (“the Skeleton patent”). Claims 31, 32, and 34-37 have been canceled, thereby rendering this rejection moot.

Claims 33 and 38-59 have been objected to as being dependent upon a rejected base claim. Applicant gratefully acknowledges the Examiner’s statement in the office action that these claims would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims.

Applicant respectfully disagrees that claims 31, 32, and 34-37 are obvious over the ‘395 patent document in view of the Skeleton patent. Applicant respectfully submits that the ‘395 patent document neither teaches nor suggests an elastic yarn with a rate of hysteresis loss between about 20% and about 45% as recited in claim 31. Moreover, the Skeleton patent relates to sheet materials for cardiovascular and other prosthetic implants. There is no mention in the Skeleton patent of an elastic cover material which is used as a cover for pillows, cushions, benches, backrests, armrests, chairs, seats, beds, mattresses and the like, in

contradistinction to the present application. Moreover, the Skeleton patent identifies thermoplastic polyether esters as the preferred elastomer for the sheet materials.

In the interest of advancing prosecution of the present application, however, claims 31-60 have been canceled, and new claims 61-89 have been added in this response. New claim 61 includes all of the limitations of claim 33 and claim 31, the base claim of claim 33. Applicant respectfully submits, therefore, that claim 61 is allowable in accordance with the Examiner's remarks in the office action. New claims 62-89 each depend directly or indirectly from claim 61. Applicant respectfully submits, therefore, that claims 62-89 are allowable at least by virtue of their dependence from claim 61.

A notice of allowability is respectfully requested.

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